

1 AN ACT to concerning charges imposed by State agencies.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 (20 ILCS 505/9.1 rep.)

5 (20 ILCS 505/9.2 rep.)

6 (20 ILCS 505/9.3 rep.)

7 (20 ILCS 505/9.4 rep.)

8 (20 ILCS 505/9.5 rep.)

9 (20 ILCS 505/9.6 rep.)

10 (20 ILCS 505/9.7 rep.)

11 (20 ILCS 505/9.8 rep.)

12 Section 5. The Children and Family Services Act is
13 amended by repealing Sections 9.1, 9.2, 9.3, 9.4, 9.5, 9.6,
14 9.7, and 9.8.

15 Section 10. The Juvenile Court Act of 1987 is amended by
16 changing Sections 1-3 and 2-23 as follows:

17 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

18 Sec. 1-3. Definitions. Terms used in this Act, unless
19 the context otherwise requires, have the following meanings
20 ascribed to them:

21 (1) "Adjudicatory hearing" means a hearing to determine
22 whether the allegations of a petition under Section 2-13,
23 3-15 or 4-12 that a minor under 18 years of age is abused,
24 neglected or dependent, or requires authoritative
25 intervention, or addicted, respectively, are supported by a
26 preponderance of the evidence or whether the allegations of a
27 petition under Section 5-520 that a minor is delinquent are
28 proved beyond a reasonable doubt.

29 (2) "Adult" means a person 21 years of age or older.

30 (3) "Agency" means a public or private child care

1 facility legally authorized or licensed by this State for
2 placement or institutional care or for both placement and
3 institutional care.

4 (4) "Association" means any organization, public or
5 private, engaged in welfare functions which include services
6 to or on behalf of children but does not include "agency" as
7 herein defined.

8 (4.05) Whenever a "best interest" determination is
9 required, the following factors shall be considered in the
10 context of the child's age and developmental needs:

11 (a) the physical safety and welfare of the child,
12 including food, shelter, health, and clothing;

13 (b) the development of the child's identity;

14 (c) the child's background and ties, including familial,
15 cultural, and religious;

16 (d) the child's sense of attachments, including:

17 (i) where the child actually feels love,
18 attachment, and a sense of being valued (as opposed to
19 where adults believe the child should feel such love,
20 attachment, and a sense of being valued);

21 (ii) the child's sense of security;

22 (iii) the child's sense of familiarity;

23 (iv) continuity of affection for the child;

24 (v) the least disruptive placement alternative for
25 the child;

26 (e) the child's wishes and long-term goals;

27 (f) the child's community ties, including church,
28 school, and friends;

29 (g) the child's need for permanence which includes the
30 child's need for stability and continuity of relationships
31 with parent figures and with siblings and other relatives;

32 (h) the uniqueness of every family and child;

33 (i) the risks attendant to entering and being in
34 substitute care; and

1 (j) the preferences of the persons available to care for
2 the child.

3 (4.1) "Chronic truant" shall have the definition
4 ascribed to it in Section 26-2a of the School Code.

5 (5) "Court" means the circuit court in a session or
6 division assigned to hear proceedings under this Act.

7 (6) "Dispositional hearing" means a hearing to determine
8 whether a minor should be adjudged to be a ward of the court,
9 and to determine what order of disposition should be made in
10 respect to a minor adjudged to be a ward of the court.

11 (7) "Emancipated minor" means any minor 16 years of age
12 or over who has been completely or partially emancipated
13 under the "Emancipation of Mature Minors Act",~~enacted by the~~
14 ~~Eighty-First-General-Assembly~~, or under this Act.

15 (8) "Guardianship of the person" of a minor means the
16 duty and authority to act in the best interests of the minor,
17 subject to residual parental rights ~~and responsibilities~~, to
18 make important decisions in matters having a permanent effect
19 on the life and development of the minor and to be concerned
20 with his or her general welfare. It includes but is not
21 necessarily limited to:

22 (a) the authority to consent to marriage, to
23 enlistment in the armed forces of the United States, or
24 to a major medical, psychiatric, and surgical treatment;
25 to represent the minor in legal actions; and to make
26 other decisions of substantial legal significance
27 concerning the minor;

28 (b) the authority and duty of reasonable
29 visitation, except to the extent that these have been
30 limited in the best interests of the minor by court
31 order;

32 (c) the rights and responsibilities of legal
33 custody except where legal custody has been vested in
34 another person or agency; and

1 (d) the power to consent to the adoption of the
2 minor, but only if expressly conferred on the guardian in
3 accordance with Section 2-29, 3-30, or 4-27.

4 (9) "Legal custody" means the relationship created by an
5 order of court in the best interests of the minor which
6 imposes on the custodian the responsibility of physical
7 possession of a minor and the duty to protect, train and
8 discipline him and to provide him with food, shelter,
9 education and ordinary medical care, except as these are
10 limited by residual parental rights and responsibilities and
11 the rights and responsibilities of the guardian of the
12 person, if any.

13 (10) "Minor" means a person under the age of 21 years
14 subject to this Act.

15 (11) "Parent" means the father or mother of a child and
16 includes any adoptive parent. It also includes a man (i)
17 whose paternity is presumed or has been established under the
18 law of this or another jurisdiction or (ii) who has
19 registered with the Putative Father Registry in accordance
20 with Section 12.1 of the Adoption Act and whose paternity has
21 not been ruled out under the law of this or another
22 jurisdiction. It does not include a parent whose rights in
23 respect to the minor have been terminated in any manner
24 provided by law.

25 (11.1) "Permanency goal" means a goal set by the court
26 as defined in subdivision (2) of Section 2-28.

27 (11.2) "Permanency hearing" means a hearing to set the
28 permanency goal and to review and determine (i) the
29 appropriateness of the services contained in the plan and
30 whether those services have been provided, (ii) whether
31 reasonable efforts have been made by all the parties to the
32 service plan to achieve the goal, and (iii) whether the plan
33 and goal have been achieved.

34 (12) "Petition" means the petition provided for in

1 Section 2-13, 3-15, 4-12 or 5-520, including any supplemental
2 petitions thereunder in Section 3-15, 4-12 or 5-520.

3 (13) "Residual parental rights and--responsibilities"
4 means those rights and-responsibilities remaining with the
5 parent after the transfer of legal custody or guardianship of
6 the person, including, but not necessarily limited to, the
7 right to reasonable visitation (which may be limited by the
8 court in the best interests of the minor as provided in
9 subsection (8)(b) of this Section), the right to consent to
10 adoption, and the right to determine the minor's religious
11 affiliation, ~~and-the-responsibility-for-his-support~~.

12 (14) "Shelter" means the temporary care of a minor in
13 physically unrestricting facilities pending court disposition
14 or execution of court order for placement.

15 (15) "Station adjustment" means the informal handling
16 of an alleged offender by a juvenile police officer.

17 (16) "Ward of the court" means a minor who is so
18 adjudged under Section 2-22, 3-23, 4-20 or 5-705, after a
19 finding of the requisite jurisdictional facts, and thus is
20 subject to the dispositional powers of the court under this
21 Act.

22 (17) "Juvenile police officer" means a sworn police
23 officer who has completed a Basic Recruit Training Course,
24 has been assigned to the position of juvenile police officer
25 by his or her chief law enforcement officer and has completed
26 the necessary juvenile officers training as prescribed by the
27 Illinois Law Enforcement Training Standards Board, or in the
28 case of a State police officer, juvenile officer training
29 approved by the Director of the Department of State Police.

30 (18) "Secure child care facility" means any child care
31 facility licensed by the Department of Children and Family
32 Services to provide secure living arrangements for children
33 under 18 years of age who are subject to placement in
34 facilities under the Children and Family Services Act and who

1 are not subject to placement in facilities for whom standards
2 are established by the Department of Corrections under
3 Section 3-15-2 of the Unified Code of Corrections. "Secure
4 child care facility" also means a facility that is designed
5 and operated to ensure that all entrances and exits from the
6 facility, a building, or a distinct part of the building are
7 under the exclusive control of the staff of the facility,
8 whether or not the child has the freedom of movement within
9 the perimeter of the facility, building, or distinct part of
10 the building.

11 (Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590,
12 eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98;
13 91-357, eff. 7-29-99; revised 10-9-03.)

14 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

15 Sec. 2-23. Kinds of dispositional orders.

16 (1) The following kinds of orders of disposition may be
17 made in respect of wards of the court:

18 (a) A minor under 18 years of age found to be
19 neglected or abused under Section 2-3 or dependent under
20 Section 2-4 may be (1) continued in the custody of his or
21 her parents, guardian or legal custodian; (2) placed in
22 accordance with Section 2-27; (3) restored to the custody
23 of the parent, parents, guardian, or legal custodian,
24 provided the court shall order the parent, parents,
25 guardian, or legal custodian to cooperate with the
26 Department of Children and Family Services and comply
27 with the terms of an after-care plan or risk the loss of
28 custody of the child and the possible termination of
29 their parental rights; or (4) ordered partially or
30 completely emancipated in accordance with the provisions
31 of the Emancipation of Mature Minors Act.

32 However, in any case in which a minor is found by
33 the court to be neglected or abused under Section 2-3 of

1 this Act, custody of the minor shall not be restored to
2 any parent, guardian or legal custodian whose acts or
3 omissions or both have been identified, pursuant to
4 subsection (1) of Section 2-21, as forming the basis for
5 the court's finding of abuse or neglect, until such time
6 as a hearing is held on the issue of the best interests
7 of the minor and the fitness of such parent, guardian or
8 legal custodian to care for the minor without endangering
9 the minor's health or safety, and the court enters an
10 order that such parent, guardian or legal custodian is
11 fit to care for the minor.

12 (b) A minor under 18 years of age found to be
13 dependent under Section 2-4 may be (1) placed in
14 accordance with Section 2-27 or (2) ordered partially or
15 completely emancipated in accordance with the provisions
16 of the Emancipation of Mature Minors Act.

17 However, in any case in which a minor is found by
18 the court to be dependent under Section 2-4 of this Act,
19 custody of the minor shall not be restored to any parent,
20 guardian or legal custodian whose acts or omissions or
21 both have been identified, pursuant to subsection (1) of
22 Section 2-21, as forming the basis for the court's
23 finding of dependency, until such time as a hearing is
24 held on the issue of the fitness of such parent, guardian
25 or legal custodian to care for the minor without
26 endangering the minor's health or safety, and the court
27 enters an order that such parent, guardian or legal
28 custodian is fit to care for the minor.

29 (c) When the court awards guardianship to the
30 Department of Children and Family Services, the court
31 shall order the parents to cooperate with the Department
32 of Children and Family Services, comply with the terms of
33 the service plans, and correct the conditions that
34 require the child to be in care, or risk termination of

1 their parental rights.

2 (2) Any order of disposition may provide for protective
3 supervision under Section 2-24 and may include an order of
4 protection under Section 2-25.

5 Unless the order of disposition expressly so provides, it
6 does not operate to close proceedings on the pending
7 petition, but is subject to modification, not inconsistent
8 with Section 2-28, until final closing and discharge of the
9 proceedings under Section 2-31.

10 (3) The court also shall enter any other orders
11 necessary to fulfill the service plan, including, but not
12 limited to, (i) orders requiring parties to cooperate with
13 services, (ii) restraining orders controlling the conduct of
14 any party likely to frustrate the achievement of the goal,
15 and (iii) visiting orders. Unless otherwise specifically
16 authorized by law, the court is not empowered under this
17 subsection (3) to order specific placements, specific
18 services, or specific service providers to be included in the
19 plan. If the court concludes that the Department of Children
20 and Family Services has abused its discretion in setting the
21 current service plan or permanency goal for the minor, the
22 court shall enter specific findings in writing based on the
23 evidence and shall enter an order for the Department to
24 develop and implement a new permanency goal and service plan
25 consistent with the court's findings. The new service plan
26 shall be filed with the court and served on all parties. The
27 court shall continue the matter until the new service plan is
28 filed.

29 (4) In addition to any other order of disposition, the
30 court may order any minor adjudicated neglected with respect
31 to his or her own injurious behavior to make restitution, in
32 monetary or non-monetary form, under the terms and conditions
33 of Section 5-5-6 of the Unified Code of Corrections, except
34 that the "presentence hearing" referred to therein shall be

1 the dispositional hearing for purposes of this Section. The
2 parent, guardian or legal custodian of the minor may pay some
3 or all of such restitution on the minor's behalf.

4 (5) (Blank) Any order for disposition where the minor is
5 committed or placed in accordance with Section 2-27 shall
6 provide for the parents or guardian of the estate of such
7 minor to pay to the legal custodian or guardian of the person
8 of the minor such sums as are determined by the custodian or
9 guardian of the person of the minor as necessary for the
10 minor's needs. Such payments may not exceed the maximum
11 amounts provided for by Section 9.1 of the Children and
12 Family Services Act.

13 (6) Whenever the order of disposition requires the minor
14 to attend school or participate in a program of training, the
15 truant officer or designated school official shall regularly
16 report to the court if the minor is a chronic or habitual
17 truant under Section 26-2a of the School Code.

18 (7) The court may terminate the parental rights of a
19 parent at the initial dispositional hearing if all of the
20 conditions in subsection (5) of Section 2-21 are met.

21 (Source: P.A. 89-17, eff. 5-31-95; 89-235, eff. 8-4-95;
22 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98;
23 90-655, eff. 7-30-98; revised 10-9-03.)

24 (730 ILCS 5/3-7-6 rep.)

25 Section 15. The Unified Code of Corrections is amended
26 by repealing Section 3-7-6.

27 Section 20. The Code of Civil Procedure is amended by
28 changing Section 4-101 as follows:

29 (735 ILCS 5/4-101) (from Ch. 110, par. 4-101)

30 Sec. 4-101. Cause. In any court having competent
31 jurisdiction, a creditor having a money claim, whether

1 liquidated or unliquidated, and whether sounding in contract
2 or tort, or based upon a statutory cause of action created by
3 law in favor of the People of the State of Illinois, or any
4 agency of the State, may have an attachment against the
5 property of his or her debtor, or that of any one or more of
6 several debtors, either at the time of commencement of the
7 action or thereafter, when the claim exceeds \$20, in any one
8 of the following cases:

9 1. Where the debtor is not a resident of this
10 State.

11 2. When the debtor conceals himself or herself or
12 stands in defiance of an officer, so that process cannot
13 be served upon him or her.

14 3. Where the debtor has departed from this State
15 with the intention of having his or her effects removed
16 from this State.

17 4. Where the debtor is about to depart from this
18 State with the intention of having his or her effects
19 removed from this State.

20 5. Where the debtor is about to remove his or her
21 property from this State to the injury of such creditor.

22 6. Where the debtor has within 2 years preceding
23 the filing of the affidavit required, fraudulently
24 conveyed or assigned his or her effects, or a part
25 thereof, so as to hinder or delay his or her creditors.

26 7. Where the debtor has, within 2 years prior to
27 the filing of such affidavit, fraudulently concealed or
28 disposed of his or her property so as to hinder or delay
29 his or her creditors.

30 8. Where the debtor is about fraudulently to
31 conceal, assign, or otherwise dispose of his or her
32 property or effects, so as to hinder or delay his or her
33 creditors.

34 9. Where the debt sued for was fraudulently

1 contracted on the part of the debtor. The statements of
2 the debtor, his or her agent or attorney, which
3 constitute the fraud, shall have been reduced to writing,
4 and his or her signature attached thereto, by himself or
5 herself, agent or attorney.

6 10. When the debtor is a person convicted of first
7 degree murder, a Class X felony, or aggravated
8 kidnapping, or found not guilty by reason of insanity or
9 guilty but mentally ill of first degree murder, a Class X
10 felony, or aggravated kidnapping, against the creditor
11 and that crime makes the creditor a "victim" under the
12 Criminal Victims' Asset Discovery Act.

13 11. (Blank) ~~When the debtor is referred by the~~
14 ~~Department of Corrections to the Attorney General under~~
15 ~~Section 3-7-6 of the Unified Code of Corrections to~~
16 ~~recover the expenses incurred as a result of that~~
17 ~~debtor's cost of incarceration.~~

18 (Source: P.A. 93-508, eff. 1-1-04.)